

DETAILED ACTION

1. This action is in response to the amendment filed on 1/28/08.
2. Claims 9, 12, and 14 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 5, 10-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallas (4,864,801) in view of Leibetseder (4,805,379) for the same reasons set forth in paragraph 2 of the previous office action mailed 8/28/07.
 4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallas (4,864,801) in view of Leibetseder (4,805,379), and further in view of Focke (5,430,994) for the same reasons set forth in paragraph 3 of the previous office action mailed 8/28/07.
 5. Claims 6-8, 13, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallas (4,864,801) in view of Leibetseder (4,805,379), and further in view of Fallas (5,123,231) for the same reasons set forth in paragraph 4 of the previous office action mailed 8/28/07.

6. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallas (4,864,801) in view of Leibetseder (4,805,379), and further in view of Focke (5,430,994) and Fallas (5,123,231) for the same reasons set forth in paragraph 5 of the previous office action mailed 8/28/07.

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive. Applicant contends that Leibetseder does not disclose a combination of a pressure controller air cylinder for carrying the large part of the weight of the holder and a drive for controlling the vertical position of the holder. This is not found persuasive as claims are given their broadest reasonable interpretation consistent with the specification. In this instance, claim 1, merely recites a "...at least during downward movement, the holder is partly carried by at least one pressure-controller air cylinder and is partly carried by a drive controlling a vertical position of the holder." It is the examiner's position that Leibetseder's apparatus does disclose a pressure-controller air cylinder (35) and a controller (20) which, at one point of the downward movement of the pressure-controller air cylinder, controls the vertical position of the holder (as Leibetseder states in col. 3, lines 22-26, and col. 4, lines 49-58).

For the reasons above the grounds of rejection are deemed proper.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ML/
Patent Examiner

/Rinaldi I Rada/
Supervisory Patent Examiner, Art Unit 3721